

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	Criminal No. 7:19-cr-00522
	§	
DANIEL GARCIA	§	

**REQUEST FOR THE PRODUCTION AND INSPECTION OF
EXCULPATORY EVIDENCE AND INFORMATION WHICH
MAY LEAD TO EXCULPATORY EVIDENCE
(Brady v. Maryland, 373 U.S. 83, 10 L.Ed.2d 215, 83 S.Ct. 1194)**

COMES NOW, Daniel Garcia, Defendant in the above-styled and numbered cause, by and through his attorney of record, and requests that the Government produce all evidence and information which may lead to favorable evidence as to the issues of the Defendant's guilt or innocence and punishment, including, but not limited to, the following exculpatory evidence:

I.

Criminal records, acts of misconduct and psychiatric history, if any, of all witnesses testifying on behalf of the Government during this trial, including the disciplinary records of any law enforcement officers.

II.

Any and all evidence that a witness called by the Government during this trial has committed perjury or has previously made any Statement or given any testimony which conflicts with or contradicts the testimony given by said witness during the trial of this cause.

III.

All information concerning all co-defendants and co-conspirators, including, but not limited to, their prior criminal records, psychiatric records, extraneous offenses, pending criminal cases, all consideration or promises of consideration, and all oral and written statements concerning this offense.

IV.

The names and current addresses of all witnesses to this offense.

V.

All statements of any persons, whether they have testified or not, who have been interviewed by the prosecution or any agent thereof and who have personal knowledge of facts of this case which could be deemed favorable to the Defendant or which may lead to evidence favorable to the Defendant, as to the issues of either guilt\innocence or punishment.

VI.

Copies of all business records and governmental records that are available to the prosecution or within the knowledge of the prosecution, whether or not used in this trial, including, but not limited to, all laboratory reports, forensic or scientific tests, etc., which could be deemed favorable to the Defendant or which may lead to evidence favorable to the Defendant, as to the issues of either guilt\innocence or punishment.

VII.

All exculpatory evidence and facts which are known, or by the exercise of due diligence, should be known by the prosecution. “[The] individual prosecutor has a duty to learn of any favorable evidence known to the others acting on the government's behalf in the case, including the police. But whether the prosecutor succeeds or fails in meeting this obligation (whether, that

is, a failure to disclose is in good faith or bad faith, see *Brady*, 373 U.S., at 87, 83 S.Ct., at 1196-1197), the prosecution's responsibility for failing to disclose known, favorable evidence rising to a material level of importance is inescapable.” *Kyles v. Whitley*, 514 U.S. 419, 437-438 (1995).

VIII.

Defendant submits that the failure or refusal to produce any or all of the foregoing evidence or information by the prosecution constitutes a suppression of evidence an a violation of the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and substantially denies the Defendant the effective assistance of counsel and a fair trial. *Brady v. Maryland*, 373 U.S. 83 (1963); *United States v. Agurs*, 427 U.S. 97 (1976); *Ashley v. Texas*, 319 F.2d 80 (5th Cir. 1963); *Moore v. Illinois*, 408 U.S. 786 (1972); *United States v. Bagley*, 473 U.S. 677, 105 S.Ct. 3375, 87 L.Ed.2d 481 (1985); *Bowen v. Maynard*, 799 F.2d 593 (10th Cir. 1986); *United States v. McKellar*, 798 F.2d 151 (5th Cir. 1986); *Kyles v. Whitley*, 514 U.S. 419 (1995).

Respectfully submitted,

/s/ Clay S. Conrad

Clay S. Conrad

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COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing request was electronically delivered to the Assistant United States Attorneys responsible for litigation of this case on March 17, 2020.

By: /s/ Clay S. Conrad
Clay S. Conrad